D.B. CIVIL SPECIAL APPEAL (W) NO.470/2007
(Buta Singh Vs. The State of Rajasthan and Ors.)

3.5.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. Kishan Bansal, for the appellant.

Having heard learned counsel for the appellant, we are of the opinion that no interference is called for in the order passed by the learned Single Judge as the Superintending Engineer has passed a detailed and reasoned order while setting aside the order passed by the Executive Engineer for giving 'Aad' area to the appellant-petitioner for Killa No.140/61.

Hence, there was no ground for interfering with the order by way of judicial review. However, the order of Superintending Engineer is primarily founded on the basis of the failure to follow procedure for giving 'Aad' to the petitioner-appellant for supplying water to his land which has not been followed. Therefore, the petitioner-appellant is free to make an appropriate application and the same may be considered by the respondents in accordance with law after following due procedure.

In view of the above, the special appeal is dismissed.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

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